

General Permit No.: SC GP-98-002

Name of Applicant: SC Department of Health and Environmental Control

Effective Date: October 7, 1998

Expiration Date: October 7, 2003

**South Carolina Department of Health and Environmental Control
General Permit**

A General Permit to perform work in or affecting the navigable waters of South Carolina, pursuant to regulations and procedures established under R. 19-450, et seq., Code of Laws of South Carolina, 1976, as amended, is hereby issued by the South Carolina Department of Health and Environmental Control (SCDHEC) to:

SC Department of Health and Environmental Control

to authorize the installation of utility lines by directional boring by:

**Public Utilities in
STATEWIDE NAVIGABLE WATERS**

This General permit is subject to the following conditions:

I. General Conditions:

A. Structures authorized by this General Permit shall be utility lines including, but not limited to phone, power, cable television, natural gas and water and sewer, using directional boring within all navigable waters of South Carolina subject to R. 19-450 and conforming to the standards contained herein. Other construction of any kind within navigable waters of South Carolina is not authorized by this document.

B. The activity identified and authorized herein shall be consistent with the terms and conditions of this permit; and any variance or activity not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension, or revocation of this permit, and in the institution of such legal proceedings as the SCDHEC may consider appropriate.

C. The permittee must make every reasonable effort to prosecute the work authorized herein in a manner so as to minimize any adverse impact of the work on fish, wildlife, and natural environmental values or historic or prehistoric values.

D. The permittee must prosecute the work authorized herein in a manner so as to minimize any degradation of water quality.

E. The permittee shall permit State law enforcement personnel, representatives of the SCDHEC or other authorized State permit inspectors to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

F. The permittee shall maintain structures authorized herein in good condition.

G. This General Permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or Local laws or regulations or Federal Energy Regulatory Commission regulations, nor does it obviate the requirement to obtain other assent or to comply with any applicable standards required by ordinance for the placement of structures authorized herein. Other appropriate governmental authorities are not limited by this document and may impose more stringent requirements than those stated herein as deemed appropriate.

H. This General Permit may be either modified, suspended, or revoked in whole or in part if the SCDHEC determines that such action would serve the public interest, and such modification, suspension or revocation shall not be an act entitling the permittee to compensation for any claimed loss as a consequence of such regulatory action, under any circumstances, this permit being issued solely as an accommodation to the permittee, and being revocable as conditions may warrant.

I. No attempt shall be made by the permittee to prevent reasonable use by the public of all navigable waters adjacent to the activity authorized by this permit.

J. If the permittee permits a structure to fall in to a state of disrepair such that it no longer conforms to the conditions of this permit, they may be required to remove the structure.

K. There shall be no unreasonable interference with navigation by the existence or use of structures authorized herein.

L. The permittee shall not hold the SCDHEC liable for any damage to a permitted structure.

M. Once the project is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to the environment.

N. The permittee upon receipt of a notice from the SCDHEC of failure to comply with the terms, conditions, or standards of this General Permit shall, immediately and in such manner as the SCDHEC may direct, effect compliance with terms, conditions, and standards or remove the structure(s) from the affected navigable waters of South Carolina.

O. This General Permit is a revocable privilege and if changed circumstances warrant, the SCDHEC may revoke such privilege and require removal of a structure at the expense of the permittee.

II. **Special Conditions:** The following conditions set forth minimum criteria and do not preclude the establishment of more stringent criteria by appropriate authority or agreement.

A. All access and exit excavations must take place entirely on high ground. No excavation or filling in wetlands is permitted.

B. Prior to the work beginning, a silt fence, silt barrier or other suitable sediment control device must be placed between the high ground construction area and the affected wetland or waterway. This device must be kept in a functioning capacity until the area is stabilized.

C. All necessary measures must be taken to prevent oil, tar, trash, debris and other pollutants from entering the adjacent water or wetlands.

D. Upon completion of construction activities, all disturbed areas must be permanently stabilized with a vegetative cover.

E. All crossings must have a minimum cover of 42". A variance may be granted for good cause shown. Crossings of the Atlantic Intracoastal Waterway must maintain an elevation of -25.0' mean low water.

F. If the proposed activity requires a right-of-way easement from the South Carolina Budget and Control Board to cross or extend in or under the bed of the affected navigable waterway pursuant to Sections 1-11-70, et. seq., South Carolina Code of Laws, the appropriate easement application must be completed by the applicant and returned to the South Carolina Budget and Control Board. The Division of Water Quality will make this determination and will furnish the easement application with the letter of permit approval, if applicable.

III. **Required Authorization** Each applicant must complete and submit to the SCDHEC a Construction in Navigable Waters Permit application. The proposed work shall not be authorized until the Division of Water Quality has reviewed the completed application and provided the applicant with a General Permit letter of authorization. Each applicant must provide evidence to SCDHEC that all landowners immediately adjacent to the property upon which the activity is to occur have been notified of the proposed activity. Failure to provide such evidence shall preclude authorization under this General Permit.

IV. **Penalties for Violation** Any deviation from the specifications or other terms or conditions of the General Permit would constitute a violation of regulations and could result in removal of the structures or work and restoration of the waterway to its former condition and/or imposition of penalties as provided by law.

V. Revocation of General Permit This General Permit may be withdrawn by issuance of a public notice at any time the SCDHEC determines that the singular or cumulative effects of the activities authorized herein have an adverse effect on the public interest. Following such revocation any future activities in areas covered by this General Permit will be processed as individual permits.

VI. Duration of the General Permit This permit will cover activities started within five (5) years and completed within six (6) years after the date of issuance unless this permit is revoked in the interim. A revocation of the General Permit will not affect the work that had been authorized when the General Permit was in effect.

This General Permit shall become effective on the date signed by the SCDHEC.

By Authority of the South Carolina Department of Health and Environmental Control

_____ Signature	_____ Date
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Title